United Nations S/2001/1235

Security Council

Distr.: General
24 December 2001
English
Original: French

Letter dated 20 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning the fight against terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Uruguay, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

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Annex

[Original: Spanish]

Letter dated 19 December 2001 from the Permanent Representative of Uruguay to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning the fight against terrorism

I have the honour to refer to your communication of 29 October 2001 concerning the reports to be submitted by Member States to the Counter-Terrorism Committee established pursuant to Security Council resolution 1373 (2001).

I am pleased to send you herewith a report on measures taken in Uruguay to prevent and suppress terrorist acts (see appendix).

(*Signed*) Felipe **Paolilla**
Ambassador
Permanent Representative of Uruguay to the United Nations

Eastern Republic of Uruguay

Office of the President of the Republic
Ministry of Defence — State Intelligence Office
Ministry of Foreign Affairs
Ministry of Education and Culture
Central Bank of Uruguay

Report on the implementation of paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001

Montevideo, 12 December 2001

Paragraph 1
Subparagraph (a) — What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1(b) to (d)?

In order to enhance the prevention and monitoring of financial activities which may be linked to terrorism, the Central Bank of Uruguay, acting in its capacity as the governing body of the national financial system, has taken a number of specific steps since the events of 11/09/01:

(a) Search for information on accounts or funds belonging to organizations or persons linked to terrorism

In order to obtain primary information on whether or not there are any such funds in our country, the Financial Information and Analysis Unit of the Central Bank of Uruguay has initiated a variety of inquiries at the financial entities it oversees. To that end it has circulated several lists — provided by international organizations and the Government of the United States of America — containing the names and other personal data of persons and organizations alleged to have links with terrorist activities, and requested that the entities report if any of the persons on the said lists have maintained or continue to maintain accounts or funds of any kind with them.

The deadline for responding to the first three lists (containing about 100 names) has passed; the answers were all negative. The answers to the last of the lists circulated — which was received from the Federal Reserve and contained the names and other personal data of 81 persons — are expected to be received in the next few days.

(b) Permanent checklists

In order to enhance the effectiveness of the preventive mechanisms that are being implemented, the Central Bank of Uruguay has seen fit to issue instructions stating that the monitoring and checking by entities of the activities carried out by persons and organizations whose names appear on the checklists should be ongoing and continuously updated.

To that end, it has been decided that all institutions will be asked to take the necessary control measures so as to ensure that, in future, any transaction that is

directly or indirectly linked to any of the persons or organizations named on the lists can be promptly detected. In addition, it has been decided that whenever any such link is found to exist, the situation shall be reported immediately to the Financial Information and Analysis Unit.

(c) New regulatory provisions

Before considering this aspect it should be pointed out that as far back as 1991, the regulations issued by the Central Bank of Uruguay included rules designed to make sure that the financial system was not used to legitimize assets derived from criminal activities, including activities linked to terrorism. Likewise, since December 2000, all natural and juridical persons subject to its control have been required to report transactions suspected of being related to such criminal activities to the Financial Information and Analysis Unit.

Notwithstanding the foregoing, in order to place the issue in context and underscore the importance that the Central Bank of Uruguay attaches to the commitment that the persons and entities it oversees must demonstrate in the fight against terrorism, it has been deemed appropriate to issue a communication urging them "... to strengthen the policies and procedures designed to prevent and detect operations that may be linked to the legitimization of assets derived from criminal activities in order to give the utmost attention to the handling of funds and assets derived from or related to terrorism".

At the same time, in order to highlight the other control measures and actions being developed within the context of the strategy adopted by the Government, the Central Bank of Uruguay affirmed, in its communication, its determination to "... stimulate joint action by the Financial Information and Analysis Unit and appropriate government authorities, by authorizing mechanisms to coordinate actions in the matter and by encouraging the dissemination and exchange of information among all members of the national financial system in order to prevent its being used to legitimize assets derived from organizations or persons linked to terrorist activities".

The implementation of the above-mentioned measures has resulted in the ongoing participation of experts from the Financial Information and Analysis Unit in working groups set up to coordinate the work being done in the area of counter-terrorism activities by all the governmental agencies involved in the matter. With regard to the financial system, the above-mentioned checklists have been disseminated and there is an ongoing exchange with the performance officers of the institutions supervised.

(d) Other measures

Given the ease and speed with which funds can be transferred from one place to another, there is full awareness that in order to be successful in preventing and suppressing the financing of terrorist activities it is essential to move swiftly. In order to contribute to this aspect, the Central Bank of Uruguay has arranged for special administrative treatment of all matters related to operations alleged to be linked to terrorism, in order that they may be looked into as a matter of priority and dealt with urgently.

In addition, within the Training Centre in Prevention of Laundering of Assets, which is under the National Drug Board of the Office of the President of the Republic, a special commission made up of representatives of various public organizations and delegates from the entities representing financial institutions has been set up in order to analyse the incidence of terrorism in the financial system, coordinate actions on the matter and generate instruments so as to prevent and control this problem effectively.

Lastly, an overall analysis is being conducted of United Nations-sponsored international legislation against the financing of terrorism and that pending in the Organization of American States.

Subparagraph (b) — What are the offences and penalties in your country with respect to the activities listed in this subparagraph?

Financing of terrorism is not, as yet, a separate offence. Without ruling out the possibility of a reform to that effect, it must be said that such activity is not atypical but of a general criminal nature and therefore the ordinary rules of participation apply; thus anyone who finances terrorist activities will be considered either a mediate perpetrator (Penal Code, art. 60, No. 2) or, more often, a co-perpetrator (art. 61, Nos. 1, 3 and 4), depending on the offence that the principal committed. For example, if it is a case of homicide or deprivation of liberty (Penal Code, art. 281) or kidnapping (Penal Code, art. 386), they will be considered perpetrators or co-perpetrators (or even accomplices). The penalty for co-perpetrators is generally the same as for the perpetrator (Penal Code, art. 88), while the penalty for accomplices is generally lower because their participation is of a lesser degree. However, it can be the same as that for the perpetrator if great danger is involved, as in the case of terrorism (Penal Code, art. 89).

Laundering of assets derived from terrorism is characterized as an offence under the law (sole article of Act. No. 17,343 of 25 May 2001, amending article 81 of Act. No. 17,016 of 22 October 1998) and carries a penalty of up to 10 years in prison. Because of its specificity this offence supersedes the offence of concealment and the penalty is more severe.

Since terrorism in itself is not characterized as an offence, art. 47, No. 3, of the Penal Code, which provides that use of devastating means or massive forms of destruction in the commission of an offence is an aggravating circumstance, is always applied to offences of that nature. Aggravating circumstances permit the judge to impose the maximum penalty for each offence (Penal Code, art. 50).

Under Act No. 17,410 of 29 October 2001, Uruguay ratified the International Convention for the Suppression of Terrorist Bombings, which was signed in New York on 23 November 1998.

Subparagraph (c) — What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.

Under Uruguayan law, freezing of an account or asset requires a judicial order. Bank accounts and assets are governed by Decree-Law No. 15,322 and Acts Nos. 17,016 and 17,343.

Bank secrecy is enshrined in article 25 of Decree-Law No. 15,322; thus, operations and information falling into that area may be revealed only upon express written authorization of the person concerned or by reasoned order of a criminal court judge or of the competent judge in the case of a maintenance obligation.

Act No. 17,016 amended Decree-Law No. 14,294, which regulates narcotics-related matters; articles 54 to 57 thereof also apply to goods, products or instruments associated with offences defined under our legislation as associated with various unlawful activities, including terrorism. To summarize, our legislation provides for the possibility of freezing the accounts and other financial assets of individuals who commit or seek to commit acts of terrorism, or who participate in or facilitate such acts, upon the order of an Uruguayan or foreign judge in accordance with the treaties on cooperation in criminal matters to which Uruguay is a party.

Without prejudice to the preceding, the judge in a case may, at any time and without prior notice, issue an order of confiscation, seizure, provisional attachment or any other precautionary measure designed to ensure or preserve the availability of goods, products or instruments used in unlawful activity with a view to their potential confiscation or seizure.

In 1940, paragraph 3 of Act No. 9936 (Unlawful Association) established that "the Executive Power, through the Ministry of the Interior, shall dissolve unlawful associations by decree, depositing books, funds and any other property of such associations in the Judicial Property Depository or the Office of Public Credit, as appropriate, on the order of the civil court of first instance currently in session".

To give an example of this legislation, during the 1960s and 1970s Uruguay was faced with a subversive process during which the courts made use of these provisions to seize the property of individuals and unlawful organizations and to confiscate merchandise and other goods.

Subparagraph (d) — What measures exist to prohibit the activities listed in this subparagraph?

All the activities described above are criminal in nature; therefore, the measures taken to combat them are those of general crime prevention and punishment.

In particular, the regulations on confiscation of the proceeds of crimes and of the instruments of their execution (Penal Code, art. 105), apply. In the case of crimes involving the laundering of money or assets derived from terrorist acts, the special confiscation regulations contained in the Anti-drug Act (Act. No. 14,294 of 31 October 1974 and amendments thereto, art. 42).

It must be borne in mind that although we have not yet established financing of terrorist activities as a specific offence, all such activities are crimes punishable by law; we cannot be said to have a gap in our legislation. The situation is similar to that which prevailed before money-laundering was explicitly defined as an offence. Such activity was criminal (in the category of concealment or receiving) and carried corresponding penalties. Definition as a separate crime made possible specific measures, improved the legislation and provided for a more severe penalty.

At present, we can state that in Uruguay, all the activities referred to in the United Nations resolution are criminal under the law (albeit in general terms) and

carry penalties appropriate to their seriousness; this does not mean that we cannot establish financing of terrorist activities as a specific crime, as we did in the case of asset-laundering; this will be done in the near future.

Furthermore, Act No. 9936, which defines the term "unlawful associations", has been in force since 18 June 1940; pursuant to this Act, the authorities carry out the relevant checks.

Paragraph 2

Subparagraph (a) — What legislation or other measures are in place to give effect to this subparagraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?

Under articles 38 and 39 of the Constitution, unlawful associations do not enjoy constitutional protection.

Recruitment to terrorist groups and the supply of arms may be forms of criminal complicity, as we have seen. In any case, however, all such activities would doubtless fall within the specific definition of association with criminal intent (Penal Code, art. 150, amended by Act No. 16,707 of 12 June 1995), which carries a penalty of up to five and, in some cases, eight years' imprisonment; this is particularly important in cases involving the receiving or concealment of money or securities deriving from a terrorist act. This crime of association (which is a form of conspiracy crime) is aggravated and its penalty increased by up to half if the association took the form of an armed group or included more than 10 members, if the guilty person was the chief or instigator of such a group or if the group included any member of the police (Penal Code, art. 151).

In addition to the above-mentioned regulation, Act No. 9,936 of 18 June 1940, article 1 (1), defines unlawful associations as "those which disseminate ideas contrary to the democratic republican form of government adopted in article 72 (1) of the Constitution".

The supply of arms through legal trade is specifically regulated by Acts Nos. 10,415 of 13 February 1943 and 14,157 of 21 February 1974 and by Decree No. 652170, which regulates the bearing of arms.

The use and unlawful possession of arms is considered an offence against personal safety (General Penal Code, art. 365 (12)). In cases where arms are used in the commission of a crime, this is a specific aggravating circumstance and punished according to the crime committed.

With regard to the illicit arms trade, Acts Nos. 17,300 of 22 March 2001 and 17,343 of 25 May 2001 define illicit arms trafficking and the laundering of assets derived therefrom.

Act No. 17,300, art. 1 (2), defines illicit arms trafficking as "the import, export, acquisition, sale, delivery, supply or transfer of firearms, munitions, explosives or other related materials from or through the territory of one State Party to that of another State Party unless so authorized by one of the States Parties concerned".

Under Act No. 17,343, the laundering of assets derived from arms trafficking is punished in the manner established by Act No. 17,016 of 22 October 1998, articles 54 to 57.

Decree-Law No. 10,415 of 13 February 1943 establishes the procedure and criminal and administrative penalties relating to the possession of prohibited arms and munitions.

The competent authorities carry out the appropriate monitoring constantly.

Seminars are held at the international and national levels in order to increase international cooperation and to implement the resolutions adopted at the United Nations Conference on the Illicit Traffic in Small Arms and Light Weapons in All Its Aspects, held in New York from 9 to 17 July 2001.

Subparagraph (b) — What other steps are being taken to prevent the commission of terrorist acts, and in particular, what early warning mechanisms exist to allow exchange of information with other States?

At the same time as the attacks on the United States of America, a meeting of the State intelligence services of the Southern Common Market (MERCOSUR) countries, Chile and Spain was held in Buenos Aires from 10 to 12 September 2001; above and beyond the items contained in the agenda, priority was given to consideration of the issue of the attacks and of terrorism in general.

A Standing Forum of Directors of State Intelligence Services was established with the primary goal of promoting the timely exchange of information on this threat.

On 11 September 2001, measures were taken to tighten security around potential targets in Uruguay of countries involved in the conflict arising from the attacks committed in the United States of America.

The police and the Ministry of Defence are continuing their improvement efforts by, inter alia, strengthening the monitoring of borders and points of entry to Uruguay, such as ports and airports.

At a meeting between the Minister of Defence and the National Director of State Intelligence on 21 September 2001, the President of the Republic, Jorge Batlle, recommended that the Ministry of Defence and the State Intelligence Office should gather information on terrorism at the national and international levels with the support of police and other State bodies.

The President of the Republic also recommended that the Minister of Defence should coordinate action with his MERCOSUR colleagues with a view to the timely exchange of information and regional security measures to combat terrorism.

To that end, the Minister of Defence attended various meetings with his colleagues in the countries members of that regional organization.

The Ministry of the Interior has also held various meetings with police officials of the MERCOSUR countries, Bolivia and Chile, at which they coordinated various types of security measures to be taken against terrorism by the police in the region.

On another matter, it should be noted that faced with the appearance of the potential threat of biological or chemical terrorism, the State Intelligence Office, in accordance with an established programme of work, held a series of meetings with specialists and authorities of the Ministry of Public Health, the Postal Office, the Office of Nuclear Technology and the Army in order to assess the existing security situation and take measures in that regard.

There has also been ongoing coordination between the authorities of the Ministry of Foreign Affairs with a view to ongoing monitoring of the state of the conflict situation and potential changes therein.

Subparagraph (c) — What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this subparagraph? It would be helpful if States supplied examples of any relevant action taken.

The Decree of 5 July 1956 incorporates the Convention regarding Diplomatic Officers, signed on 20 February 1928, in Havana, at the Sixth International American Conference; the Montevideo Treaty on Political Asylum of 4 August 1939; and the Convention on Territorial Asylum and the Convention on Diplomatic Asylum, both signed at Caracas on 28 March 1954.

Article 3 of that Decree lists the duties of refugees — they must refrain from joining or taking part in any way in associations which seek through any form of violence to affect or change the organization or composition of a foreign State or Government — and states that those who break that rule will be subject to criminal penalties, lose their refugee status and be expelled from the country.

Recent examples in Uruguay were the decisions to extradite Spanish citizens who were members of the terrorist organization ETA.

The extradition treaties to which Uruguay is a party, or which have been agreed upon and are at the ratification stage, constitute a real system to protect a set of values under which terrorist acts are not considered political crimes; in other words, these treaties provide for extradition for terrorist acts, and identify such acts as offences under ordinary criminal law regardless of the motives.

Particular examples of this are the extradition treaties negotiated by Uruguay, beginning with the treaty with Spain (Argentina, Chile, Mexico), and that with the MERCOSUR countries, Bolivia and Chile, without prejudice to earlier agreements, such as the treaty with the United States of America, specifically article 5 thereof.

These solutions are based on the concern of the international community, shared and supported by Uruguay, regarding the spread of transnational organized crime which adopts terrorist methods, among other forms of criminal behaviour.

The source of these treaties is found in the European Convention on the Suppression of Terrorism (Strasbourg, 1977), the preamble of which expresses the conviction that extradition is a particularly effective measure for ensuring that the perpetrators of acts of terrorism do not escape prosecution and punishment.

This preambular statement, which is considered axiomatic by today's international law on extradition, has particular significance: although the perpetrators of terrorist acts may have political goals — or be connected thereto —

the motives or crimes are not to be considered political for extradition purposes and extradition may not be refused on such grounds.

This viewpoint has led to a historic development in extradition law: article 5 of the European Union Convention on Extradition of 27 September 1996 provides that "For the purposes of applying this Convention, no offence may be regarded by the requested Member State as a political offence, as an offence connected with a political offence or an offence inspired by political motives." This Convention is essentially based on the philosophy of the European Convention on the Suppression of Terrorism, articles 1 and 2 of which set out the roots of the historical legal basis for many bilateral treaties, including those to which Uruguay is a party.

Our extradition treaties are inspired by those rules.

For example, article 5/1 of the MERCOSUR extradition treaty establishes the widely accepted principle whereby extradition shall not be granted for offences which the requested State considers to be political or connected to political offences. A list of activities which "under no circumstances" are to be considered political offences suggests the possibility of exceptions. They include the traditional Belgian clause, set out expressly in accordance with the interpretation previously given in legal doctrine, which includes "other national or local authorities or their family members", genocide, war crimes or crimes against humanity, as well as terrorist acts.

An Ibero-American conference on the right of asylum was held in October 1996 under the auspices of the Organization of American States. Among the conclusions is a list of activities which are excluded from the right of asylum and these activities are precisely those listed in the extradition treaties to which Uruguay is a party. That technical and political approach from the hemispheric viewpoint therefore coincides with the solutions provided for in positive law at the national level.

Subparagraph (d) — What legislation or procedures exist to prevent terrorists acting from your territory against other States or citizens? It would be helpful if States supplied examples of any relevant action taken.

The provisions of the Penal Code, Act 16,707 of 12 June 1995 and Act 17,343 of 25 May 2001 are applicable to activities committed by criminals acting from our territory against third States or against foreign citizens. The first issue raises a classic case in criminal law, the offence committed at a distance. The applicable rule according to the majority theory is that of ubiquity, such that both the country where the act is committed and that where it is consummated are both competent to judge the case. If the extradition is not in order, the rule is to punish such acts within our country provided that the offenders were detained within Uruguayan territory, without prejudice to cases coming under worldwide jurisdiction (cf. article 10, Penal Code).

As for terrorist activities on Uruguayan territory, Act 9936 of 1940 applies the term "illegal associations" to any of the aforementioned activities.

Subparagraph (e) — What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.

See answers to the questions contained in paragraph 1 (b) and (d) and in paragraph 2 (a).

At the inter-American level, the General Assembly of the Organization of American States (OAS), in its resolution 4 of 30 June 1970, condemned acts of terrorism, especially the kidnapping of persons and extortion in connection with such kidnapping, describing them as serious common crimes. That resolution was taken into account in the OAS convention on terrorist acts, which was ratified by Uruguay in 1978.

In judicial decisions, terrorist acts have been defined as an unlawful activity which, unlike an ordinary offence, is initially motivated by political ends; the method (terror) corrupts, and denatures the offence transforming it into an offence under the ordinary law; since the activities involve murder or attempted murder and robbery with violence, they cannot be considered political offences.

These considerations are contained in cases No. 12,623 and 12,642, both of the Criminal Court of Appeals of the first Roster of March 1994.

In the area of the executive power, a technical commission has been set up in order to prepare a draft law defining terrorism and its financing as offences in their own right. The Government intends to introduce a draft law to that effect in the near future.

Subparagraph (f) — What procedures and mechanisms are in place to assist other States? Please provide any available details of how these have been used in practice.

Uruguay is a State party to various international treaties concerning mutual assistance in criminal matters whereby the parties have undertaken to provide legal assistance in response to requests from competent authorities in other States. Those treaties are applicable in the case of transnational offences such as terrorism.

Foremost among those treaties, because of its importance and practical application, is the Protocol of San Luis on mutual legal assistance in criminal matters, which was adopted by the Council of the Common Market by its decision 02/96 of 25 June 1996 and is in force in all the member States of MERCOSUR.

Uruguay adopted that Protocol by Act 17,145 of 9 August 1999 and deposited the instrument of ratification on 7 July 2000.

In the year and a bit since it entered into force in Uruguay, 250 requests for cooperation in criminal law have been received and are being or have been dealt with by the country's courts. Also of importance by virtue of their successful application are bilateral agreements such as the Treaty on Mutual Legal Assistance in Criminal Matters between the Government of Uruguay and the Government of the United States of America, approved in Uruguay by Act 16,431 of 30 November 1993; it has been in force since 15 December 1994.

Uruguay has entered into various bilateral treaties on mutual legal assistance in criminal matters with other countries including Canada, Colombia, Spain and Venezuela.

Requests for international legal assistance regarding criminal matters received from courts or other competent organs of the requesting State in accordance with its right to request such cooperation under a treaty which is in force, are received by the Central Office for International Legal Cooperation of Uruguay. Within 48 hours of their receipt the Office submits them with the appropriate reports to the magistrates of the criminal court for processing. If no treaty is in force, the request is received through diplomatic channels by the Ministry of Foreign Affairs.

Administrative channels also exist through the structure of Interpol (to which Uruguay acceded by the Decree of 13 October 1920), as has earlier been shown and illustrated.

The Financial Information and Analysis Unit has the authority to process, through the competent bodies and pursuant to national legislation, requests for international cooperation in the prevention and control of the laundering of assets derived from criminal activities.

The Government intends to move forward with the exchange of information and cooperation with foreign Governments. A request was made recently for the Unit to be admitted to the Egmont Group of Financial Intelligence Units as a full member (it currently has observer status). This will enable Uruguay to take part directly in the discussion and implementation of initiatives and recommendations which are being considered in the context of that body with a view to combating the financing of terrorist activities.

That activity is complemented by cooperation and exchanges of information through other regional groups of which Uruguay is a member: MERCOSUR (in which context a Memorandum of Understanding has been signed on the subject), and the South American Financial Action Group (GAFISUD), which began to function as of December 2000, and whose principles and structure are similar to those of the Financial Action Task Force on Money-laundering (FATF).

Subparagraph (g) — How do border controls in your country prevent the movement of terrorist groups? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery?

Border controls are handled by the National Migration Office, Interpol, other agencies of the Ministry of the Interior, the Coast Guard and the Customs Office, which has a presence at all points of entry to the country.

An early warning given by the national or foreign intelligence services and/or Interpol sets the parameters for an intensification of controls by the above-mentioned institutions.

There are formal and legal requirements to ensure the validity and security of the documents issued by the Civil Registry Office under the Ministry of Education and Culture and the Civil Identification Office under the Ministry of the Interior. For security purposes, the validity of the documents is time-limited, so that the information can be updated periodically and internal checks can be performed.

National passports are issued in accordance with the rules set by the International Civil Aviation Organization (ICAO), which include security measures.

Consideration is currently being given to introducing even more effective measures to prevent falsification of passports and identity cards.

Paragraph 3

Subparagraph (a) — What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this subparagraph?

Contacts have been intensified between the various State intelligence services and the Ministries of the Interior of the member countries of the Southern Common Market (MERCOSUR).

Moreover, as instructed by the President of the Republic, Dr. Jorge Batlle, the Ministry of Defence and the State Intelligence Office have conducted a series of meetings with the Ministers of Defence of the MERCOSUR countries and Chile to arrange for collaboration among the armed forces information services of those countries. This is in addition to the regular exchange of information already ongoing with the State intelligence services of various countries throughout the world.

Customs and military controls have been stepped up to detect explosives in transit.

Plans have been made for the Telecommunications Administration (ANTEL) to set up controls to detect redirected phone calls through stations in Ciudad del Este, Paraguay, that divert phone calls received from abroad to the Middle East.

Significant work is being done under the Convention against terrorism concluded under the auspices of the Organization of American States (OAS) and through the Inter-American Committee against Terrorism, and national representation in that body has been increased for the express purpose of dealing with these issues.

Subparagraph (b) — What steps have been taken to exchange information and cooperate in the areas indicated in this subparagraph?

Judicial cooperation is handled primarily through the diplomatic or consular channel by way of the central authority.

The functions of the central authority are carried out by the Advisory Service Central Authority for International Judicial Cooperation of the Ministry of Education and Culture. Article 4 of Decree 407/985 of 31 July 1985, as amended by article 4 of Decree 95/996 of 12 March 1996, provides that it is the function of the Advisory Service Central Authority for International Judicial Cooperation to:

(a) Respond, either directly or by referral, to questions received from competent foreign authorities concerning the domestic and international private law of the Republic and to requests from national public agencies concerning the content and applicability of the country's international private law or foreign law;

(b) Support, through its Office of International Judicial Cooperation and Justice, the secretariat of the National Board for the Prevention and Suppression of Illicit Trafficking in and Use of Drugs with regard to the rules deriving from

national and treaty law concerning international cooperation in criminal matters and extradition;

(c) Act as the receiving and sending agency for requests for legal assistance from or to foreign countries.

Subparagraph (c) — What steps have been taken to cooperate in the areas indicated in this subparagraph?

In accordance with bilateral, international and regional treaties, where there is no treaty, steps will be taken administratively through Interpol (see paragraph 2 (f)).

Uruguay's record of providing legal assistance to other countries in criminal matters has been satisfactory; the Uruguayan central authority has been complimented by the competent agencies of a number of countries, including the central authority of the United States of America, for the speed and efficiency with which assistance has been provided.

Subparagraph (d) — What are your Government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this subparagraph?

Uruguay is a party to the following international instruments:

- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (New York, 1973);
- Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 1963);
- Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague, 1970);
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 1971);
- Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, 1991);
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Rome, 1988);
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (Rome, 1988);
- International Convention for the Suppression of Terrorist Bombings (New York, 1997).

The Ministry of Foreign Affairs has informed the General Assembly that ratification is being sought for the International Convention for the Suppression of the Financing of Terrorism, which Uruguay signed on 25 October 2001.

Under the auspices of OAS, Uruguay is a party to the following treaties:

- Convention to Prevent and Punish Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion that are of International Significance (Washington, D.C., 1971);

- Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials (Washington, D.C., 1997);

- Inter-American Convention on Transparency in Conventional Weapons Acquisitions (Guatemala City, 1999).

Subparagraph (e) — Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this subparagraph.

The Uruguayan legislation implementing the above conventions is extensive and establishes the regulatory framework for security at ports and airports.

More specifically, the following are some concrete measures taken following the attacks of 11 September 2001:

- With respect to airport security, the Executive has ordered air force personnel to ensure and monitor airport security. This is in addition to existing security measures that have been and will continue to be taken by the Ministry of the Interior through its various agencies.

- In that regard, military personnel will be responsible not only for increased security around the periphery of all the country's airports but also for searching individuals and hand luggage entering and exiting airport facilities.

- In general terms, airport security is governed by the rules issued by the International Civil Aviation Organization (ICAO). Incidentally, ICAO, of which Uruguay is a member, will be holding a high-level meeting in Quebec on 19 and 20 February 2002, at which new airport security rules will be drawn up.

- Similar port control measures have been adopted by the Coast Guard and the Navy.

- With respect to plastic explosives, Uruguay produces a small quantity for military and civilian purposes; production is centralized by the Materiel and Equipment Service of the Army under the Ministry of National Defence. That agency also controls all procedures involved in the importation, storage, transport and warehousing of explosives by civilian enterprises in accordance with the powers conferred upon it by extensive legislation developed over the course of several decades, which is being updated to accord with international norms, including those on the marking of plastic explosives.

- With respect to international legal instruments, in October 2001 Uruguay ratified the International Convention for the Suppression of Terrorist Bombings, and the International Convention for the Suppression of the Financing of Terrorism is currently before the Parliament.

Subparagraph (f) — What legislation, procedures and mechanisms are in place for ensuring that asylum-seekers have not been involved in terrorist activity before granting refugee status. Please supply examples of any relevant cases.

Please see the information given under paragraph 2 (c).

In addition, an application for asylum is submitted to the Ministry of Foreign Affairs, which creates a file recording all the facts and statements of the applicant.

This information is immediately forwarded to the Ministry of the Interior, which conducts the appropriate investigations prior to any decision on the matter of asylum.

Subparagraph (g) — What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures which prevent claims of political motivation being recognized as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.

Please see the information given under paragraph 2 (c).

Once asylum has been granted, the individual concerned must report to the national authorities periodically and inform them of any change of residence or other circumstances relating to his or her stay in the Republic.

An essential part of a grant of asylum is that the individual may not proselytize or engage in any type of political activity. If this condition is not respected, the grant of asylum may be withdrawn.